

UNITED STATES DISTRICT COURT

district for Eugene

[peter-attilla: family of [reman]])	FALSIFIED CASE # 6:12-CV-00730-HO
[ida-lee:family of [reman]])	[Civil Action No: [6:12-730-HO]]
[[1525] Plat I , Sutherlin, Oregon [97479]])	[Oregon Tax Case#: TC 5073]
[phone#: 971-221-9066])	
[Petitioner /Administrator])	Date: July 10, 2012
)	
Vs)	
)	
)	Administrative Law Judge
DOUGLAS COUNTY(private company)		
Agent/Counsel Paul E. Meyer and		
Agent/Assesor Susan Acree		
Plaintiffs/ Defendants		

**SECOND AFFIDAVIT/NOTICE OF ERROR ON MICHAEL R. HOGAN,
NOTICE/OBJECTION TO MICHAEL R. HOGAN, NOTICE/OBJECTION
TO MICHAEL R. HOGAN'S [ORDER] dated 6/27/12
DEMAND FOR THE EXECUTION OF THE DEFAULT JUDGMENT**

Come now the Petitioners, :peter-attilla: family of [reman] and :ida-lee: family of [reman] to bring before the court and to enter as **EVIDENCE** this **SECOND AFFIDAVIT /NOTICE OF ERROR ON MICHAEL R. HOGAN, NOTICE/OBJECTION TO MICHAEL R. HOGAN, NOTICE/OBJECTION TO MICHAEL R. HOGAN'S [ORDER] DATED 6/27/12.**

Petitioners also wish to enter as EVIDENCE on the Record all previous documents entered in the file under Case Number [6:12-730-HO]

Petitioners also demand that a certified copy of Michael R. Hogan's oath of office be entered in as EVIDENCE.

There is now no room for doubt as to the unscrupulous corruption and unjust partiality of Michael R. Hogan; nor is there any more room for doubt as to his acting entirely outside of the limits of his jurisdiction and making himself entirely liable for the damages caused Petitioners by his intentional and deliberate obstruction of justice, abuse of office, deprivation of rights under

color of law, meddling with a matter and a case that does NOT pertain either to him or to his court.

Petitioners also challenge his mental competency to make any sort of determination at all in as much as he failed to comprehend any or all of Petitioners' documents which were written in layman's terms that the simplest may understand. The points of complaint were addressed simply and REPEATEDLY that the SIMPLE may understand SIMPLE English. Michael R. Hogan was unable to understand as he himself testifies in the second page of Exhibit D1. Michael R. Hogan's lack of comprehension in a simple matter that most high-school kids would understand is adequate reason to remove him from any jurisdiction he has imagined as having over either Petitioners or their case. Petitioners have NEVER consented to his sitting on this case; he has NO jurisdiction in Petitioners' case and whatever jurisdiction he unlawfully assumed is hereby rebutted for the following reasons:

ERROR #1: Michael R. Hogan knew or should have known that the law forbids him as a magistrate judge from entering a case wherein the parties have not consented to his intervention. Petitioners have specifically declined the services of a magistrate judge and had requested that an Article III judge with the credentials to prove his Article III status be appointed to the case in keeping with the Article III court Petitioners had filed their case in. **Michael R. Hogan has not rendered the required proof.** Due to his obvious bias and prejudice against Petitioners and in favor of his closed union shop buddies, Petitioners would recuse him from the case even if he were legitimate and lawfully appointed. Michael R. Hogan has no business with any part of Petitioners' case. He was not consented to by the Moving Parties. Michael R. Hogan is an Article I Judge operating in an Article I court attempting to override the limits of his jurisdiction by issuing orders in a case that was filed in an Article III court by Petitioners who had requested a documentable and verified Article III Judge. **Having acted outside of the limits of his jurisdiction,** Michael R. Hogan has voided his judicial immunity and is liable for such damages as his actions may have caused Petitioners in their pursuit of justice.

ERROR #2: On or about June 28, 2012, Petitioners received a second document/ order in the mail. (See Exhibit D1). It appeared to be documenting Michael R. Hogan's dismissal of Petitioners' case. There was an Attached Order officiating the action but the ORDER bearing the caption of "JUDGMENT" was not signed by the so called judge himself but by a mere clerk.

Petitioners challenge and call into question the legitimacy of such an order even if Michael R. Hogan had the standing to issue such an order/ judgment which he does not. **Michael R. Hogan has no right/standing to issue such an order / judgment.** Nowhere on the ORDER was Michael R. Hogan's authenticating signature to be found. **It follows that either the ORDER is not legitimate** or Michael R. Hogan was uncomfortable to put his neck too far on the line, knowing full well that his action was unlawful.

ERROR #3: It appears that Michael R. Hogan's "ORDER" is a mere rehash of the Defendants' Motion to Dismiss. Petitioners demand to know at what point the Defendants had hired him as their Counsel. Petitioners demand to know where the contract is establishing the attorney /client relationship between Defendants and Michael R. Hogan, inasmuch as the latter thinks he can defend the former by his illegitimate ORDER TO DISMISS AND JUDGMENT. **Michael R. Hogan knew or should have known he is in standing violation of court procedures by practicing law from the bench.**

ERROR #4: Even if the above named errors had not existed, Michael R. Hogan's ORDER could NOT be applicable to Petitioners' case in that it was entered in the wrong court namely, "UNITED STATES DISTRICT COURT". Petitioners again attest that they did NOT file their case in said court and have no business in said court. Petitioners filed their case in the **"district court of the United States"**. The Record serves to prove this statement! This leaves no room for doubt that Michael R. Hogan's DISMISSAL –if it can at all be considered legitimate— does NOT apply to Petitioners case inasmuch as it was filed in a **different court** (See Original Complaint pg. 6, 28 USC 610).

ERROR #5: Petitioners also further point out that in as much as "UNITED STATES DISTRICT COURT" insists on using falsified versions of Petitioners' names without Petitioners' consent in order to pervert the law, the said Article I court and the Article I court judge Michael R. Hogan are engaging in a twisted form of identity theft. Petitioners never authorized the use of their names, or the securitization thereof, or the use of any variation of their names, to be used in the Article I court for any reason whatsoever. Michael R. Hogan has yet added to the deception by using, without their permission, Petitioners' names -:peter-attilla: family of [reman] and :ida-lee: family of [reman] -identifying their live, flesh and blood beings in his corporate court; this would be identity theft. Said live beings DID NOT file their case in the court pertaining to Michael R. Hogan. Michael R. Hogan has again violated Federal law in

his defense of the Defendants.

ERROR #6: Michael R. Hogan's DISMISSAL AND ORDER was supposedly entered under the case number "6:12-CV-00730-HO". Petitioners wish to attest that was **NOT** the case number assigned to their case on the Court Summons. The case number pertaining and identifying Petitioners' case in the "**district court of the United States**" the Article III court was [6:12-730-HO]. Even a child can see these are two different numbers. Once again Michael R. Hogan's DISMISSAL AND ORDER has no bearing on Petitioners' case in that it was entered in an entirely **different case** one Petitioners have no part in and ARE NOT the Moving Parties thereof. **The "UNITED STATES DISTRICT COURT" and Michael R. Hogan are engaged in identity theft inasmuch as they insist on using Petitioners' names or variations thereof without permission or consent.**

ERROR #7: Michael R. Hogan makes the statement that, "*Plaintiffs' virtually incomprehensible complaint purports to challenge Douglas County's ability to assess property taxes over real property owned by plaintiffs located in Douglas County*". The Record serves to prove this case is NOT about Defendants' "*ability*" –they've been doing it for a long time so obviously they are well able; this case is about the **LAWFULNES** of their "*ability*". Petitioners have documented with the law the **unlawfulness** of Defendants' "*ability*" and have demanded an answer. Once again and to reiterate the Record, Petitioners have made the following claims against Defendants who have failed to respond with any clear lawful answer:

- 1) Defendants are Foreign Agents under *International Organization Immunities Act of 1945*. Under the Constitution, Petitioners have no obligation to any Foreign Agents to render them any tribute. Defendants have failed to rebut or respond to this accusation or to drop their claim to tribute money. Defendants have DEFAULTED.
- 2) Defendants are a documented, self-described private company; Defendants refused to respond to any of Petitioners demands' that they render proof and documentation in law of their authority and jurisdiction to demand tax monies of anyone. To Petitioners' knowledge they have no more authority to demand tax monies than Wal-Mart. Defendants failed to provide the required proof of jurisdiction and insisted on getting paid without answering any of Petitioners' concerns. Defendants' have DEFAULTED.
- 3) Defendants insisted on getting a certain sum of money from Petitioners. Petitioners

pointed out that under the Constitution they could only pay in gold and silver coin. Defendants responded by quoting a renegade traitor's ruling that any currency adopted by the UNITED STATES was acceptable---IN STANDING VIOLATION OF THE Constitution. Petitioners pointed out that under the *Bankruptcy Act of 1933* there was no gold or silver in the hand of the people for the payment of debt inasmuch as the government took it all and gave the people unlimited credit in exchange. Law and Logic agree that one CANNOT fill a hole with another hole and one CANNOT pay a debt with a mere promissory note. Defendant's demand is therefore fraudulent in nature.

- 4) Petitioners further challenged that if the Defendants are indeed Public Officers as they claim, they are obligated as trustees of the Public Trust to discharge the [debt] owed by Petitioners. This has been repeatedly documented in *Bankruptcy Act of 1933*; 63C *Am. Jur. 2d, Public Officers and Employees*, §247 and *McNally v. United States*, 483 U.S. 350 (1987) Forcing Petitioners to pay what is Defendants' responsibility to settle is nothing more than coercion, theft, abuse of office and violation of Fiduciary Trusteeship, etc. Defendants have failed to respond or rebut the accusation laid on them. Defendants have DEFAULTED.

Petitioners believe this is a very clear, concise simplified version of their claim against Defendants. Simply put Defendants have Defaulted by failing to respond in the proper court under the proper case number, and by failing to address the issues and questions raised by Petitioners. Seemingly Defendants have run out of lies and holes to hide in and they needed Michael R. Hogan to step in and dismiss the case against them even though he has no authority to do so. Michael R. Hogan is also supposedly dismissing a case whose complaints have not been addressed, not by the Defendants and not by the court either. This would be called aiding and abetting and covering and concealing, all crimes under Federal law.

ERROR #8: Michael R. Hogan has also misrepresented the Defendants on his documents of 6-26-12. The case Petitioners filed contained three Defendants,-not one- namely, DOUGLAS COUNTY(private company), Agent/Counsel Paul E. Meyer, *et.al* and Agent/Assesor Susan Acree *et.al.*, Once again proving his documents are irrelevant to Petitioners' case.

ERROR #9: Michael R. Hogan claims that Petitioners had refused to comply with "*this*

court's orders and procedures...to appropriately prosecute this case". Considering the heading on the said paper referenced "UNITED STATES DISTRICT COURT" and considering that Petitioners had NOT filed their case in that court, it really has no jurisdiction to issue orders or Discovery Packages or anything of the sort anymore than Michael R. Hogan has the authority to dismiss Petitioners' case. Michael R. Hogan appears to be trying to force Petitioners into his court and his jurisdiction by forcing them to use documents with his court's heading, when NEITHER the court NOR Michael R. Hogan have the jurisdiction by law to judge Petitioners or their case. Petitioners BY LAW filed their case in the "**district court of the United States**"; the laws in support of this filing were elaborated on in the Original Complaint which was beyond Michael R. Hogan's ability to comprehend. Having filed in the "**district court of the United States**", Petitioners **could not** by law use the discovery package and order issued from another court. Michael R. Hogan could NOT rebut this point nor did he address the issue Petitioners brought up when they filed the first NOTICE OF ERRORS ON THE CLERK; he merely condemned the action as noncompliance. It really isn't his place to condemn or to have any say in Petitioners case; Petitioners did NOT file in his court for him to have jurisdiction to say anything. **Petitioners case number "6:12-730-HO" stands; Petitioners demand the issuance of the Default Judgment against Defendants!**

Michael R. Hogan, having shown an interest in Petitioners' case, is Hereby reminded of his Fiduciary Duties as a Public Trustee (See pg 11 of the Original Complaint #16 63C *Am.Jur.2d, Public Officers and Employees, §247*, and see Exhibit B6 last paragraph pg 5), and **charged with the responsibility and liability to return and reinstate to beneficiaries/ Petitioners all assets derived from the use of their names in securitized documents within the Article I court's Commercial Capacity.**

Failure to reinstate ALL said assets to Petitioners indicates a **violation of said trusteeship**. Petitioners have hereby stated their **CLAIM** on Michael R. Hogan.

Failure to withdraw the DISMISSAL AND ORDER constitutes activity outside of Michael R. Hogan's jurisdiction and **voids his judicial immunity and forfeits his bond and indemnity bond**. Petitioners demand the release on Record as EVIDENCE of Michael R. Hogan's Bonding Policy Number and his address. Petitioners also demand the release on Record as EVIDENCE of Michael R. Hogan's Foreign Registration with the Security Exchange Commission. (See Exhibit D2 *17 CFR 201.101*)

Petitioners also demand the release of the CUSIP numbers pertaining to the three cases initiated-- ie. "6:12-730-HO", "6:12-cv-00730-HO" and "D-ORX-6-12-CV-000730-001"-- reflecting Petitioners' names or variations or deviations of Petitioners' names. Petitioners put the Court and Michael R. Hogan on **notice that they had **not** consented to the two extra case numbers -- "6:12-cv-00730-HO" and "D-ORX-6-12-CV-000730-001"--to be initiated AT ALL. Petitioners' names were used in both cases WITHOUT their consent or approval; **this is identity theft.****

Should Michael R. Hogan fail to meet Petitioners' demands, he will be held legally liable for: Constructive Trust Fraud, Mail Fraud, Identity Theft, Falsification of Names, Abuse of Office, Aiding and Abetting Frauds, Covering and Concealing, Contempt of Court, Violation of Oath of Office, etc; violations and /or crimes will be added to the list as they become known.

The Petitioners Entry of Default Judgment Pkg. and Default Judgment Pkg. are both on file in the "district court of the United States". There is nothing in that court on that Record of case number "6:12-730-HO" to indicate that Defendants had responded AT ALL. Petitioners demand that the Default Judgment by speedily EXECUTED AS REQUIRED BY LAW!!!

All rights and liberties reserved

:peter-attilla: family of [reman]

:peter- attilla: family of [reman] UCC 1-308

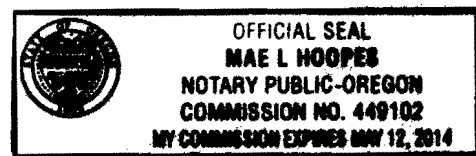
:ida-lee: family of [reman]

:ida-lee: family of [reman] UCC 1-308

[1525] Plat I Sutherlin, Oregon [97479]

Sworn to and subscribed before
me this 9 day of July 2012

Mae L Hoopes



PROOF OF SERVICE

Now come the Petitioners/Administrators, :peter attilla: family of [reman] and :ida-lee:
family of [reman] to place upon the clerk of courts for the UNITED STATES DISTRICT
COURT district for Eugene this **SECOND AFFIDAVIT/ NOTICE OF ERROR ON
MICHAEL R. HOGAN, NOTICE/OBJECTION TO MICHAEL R. HOGAN,
NOTICE/OBJECTION TO MICHAEL R. HOGAN'S [ORDER] dated
6/27/12 , DEMAND FOR THE EXECUTION OF THE DEFAULT JUDGMENT;** filing to
be placed in a court of record on this 10th day, month of July in the year of our Lord 2012 AD. A
complete copy will be mailed at a later time to the Defendants listed below by means of the
accompanying Certified Mail Numbers

ida-lee:
:ida-lee: family of [reman]

:peter-attilla: family of [reman]
:peter attilla: family of [reman]

To: OFFICE OF THE COUNTY COUNSEL and	To: DOUGLAS Co. ASSESSOR'S OFFICE
Attn: Agent/Counsel Paul E. Meyer	Attn: Agent/Assessor Susan Acree
321 Douglas County Courthouse	1036 SE Douglas Ave.
Roseburg, OR. 97470	Roseburg, Oregon 97470
CMN: 7010 1870 0003 5861 5769	CMN: 7010 1870 0003 5861 5776

district court of the United States
district for Eugene

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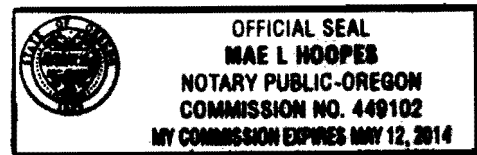
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[1525] Plat I Sutherlin, Oregon [97479]

Sworn to and subscribed before
me this 9 day of July 2012

Ma L Hoopes



PROOF OF SERVICE

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6/27/12 , DEMAND FOR THE EXECUTION OF THE DEFAULT JUDGMENT**

; filing to be placed in a court of record on this 10th day, month of July in the year of our Lord 2012 AD. A complete copy will be mailed at a later time to the Defendants listed below by means of the accompanying Certified Mail Numbers

:ida-lee:
:ida-lee: family of [reman]

:peter attilla: family of [reman]
:peter attilla: family of [reman]

To: OFFICE OF THE COUNTY COUNSEL and To: DOUGLAS Co. ASSESSOR'S OFFICE	
Attn: Agent/Counsel Paul E. Meyer	Attn: Agent/Assessor Susan Acree
321 Douglas County Courthouse	1036 SE Douglas Ave.
Roseburg, OR. 97470	Roseburg, Oregon 97470
CMN: 7010 1870 0003 5861 5769	CMN: 7010 1870 0003 5861 5776

Orders/Record of Orders on Motions

6:12-cv-00730-HO Attila et al v.
Douglas County et al

LawClerk:Baker,

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 6/27/2012 at 2:43 PM PDT and filed on 6/26/2012

Case Name: Attila et al v. Douglas County et al

Case Number: 6:12-cv-00730-HO

Filer:

Document Number: 18

Docket Text:

ORDER: Granting Motion to Dismiss [8]. This case is dismissed. Signed on 6/26/2012 by U.S. District Judge Michael R. Hogan. (jw)

6:12-cv-00730-HO Notice has been electronically mailed to:

Paul E. Meyer pemeyer@co.douglas.or.us

6:12-cv-00730-HO Notice will not be electronically mailed to:

Ida-Lee
[1525] Plat I
Sutherlin, OR 97479

Peter Attila
[1525] Plat I
Sutherland, OR 97479

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=6/27/2012] [FileNumber=4042107-0] [86d28a49123732708b2d28bf0f55d2574993eb3da29b270f4ca4dca412832421aef03e284ab57426e54c9835639308c0db0d73f0a9102a67621395acb495f00d]]

Exhibit D1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

:peter attilla: family of [reman])	
:ida-lee:family of [reman])	
[1525] Plat 2, Sutherlin, Oregon)	
[97479])	
phone#: 971-221-9066,)	
)	
Plaintiffs,)	No. 6:12-cv-730-HO
)	
v.)	ORDER
)	
DOUGLAS COUNTY, et al.,)	
)	
Defendants.)	
)	
)	

Plaintiffs bring this case to "correct & amend court jurisdiction and venue to cure of jurisdiction." Plaintiffs' virtually incomprehensible complaint purports to challenge Douglas County's ability to assess property taxes over real property owned by plaintiffs located in Douglas County.

Exhibit D1

Defendants move to dismiss asserting that this case is barred under the Tax Injunction Act, 28 U.S.C. § 1341. Under the Act, a federal district court "shall not enjoin, suspend or restrain the assessment, levy or collection of any tax under State law where a plain, speedy and efficient remedy may be had in the courts of such State."

Defendants note that the parties are involved in litigation in the Oregon Tax Court regarding whether plaintiff's property is subject to property taxes. The relief requested in this action not only interferes with the pending litigation in state court, but would have the effect of interfering with assessment and collection of state taxes. Whether plaintiffs' property is subject to assessment by the County is an issue that is already receiving a full hearing and judicial determination with appropriate procedural safeguards. See, e.g., ORS § 305.405 (Oregon Tax court has the same powers as a circuit court); ORS § 305.410 (subject to judicial review by the Oregon Supreme Court); ORS § 305.420 (subpoena power and may hear sworn testimony). Moreover, issues of federal statutory and constitutional law may be raised in the Oregon Tax Court. Tafflin v. Levitt, 493 U.S. 455, 458 (1990) ("state courts have inherent authority, and are thus presumptively competent, to adjudicate claims arising under the laws of the United States"). Accordingly, this case is barred under the Tax Injunction Act.

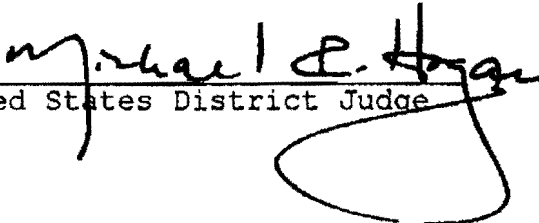
Moreover, plaintiffs have refused to comply with this court's direction regarding service of the discovery and pretrial scheduling order. See Plaintiffs' Notices of Errors (#9 and #10)

(plaintiffs assert this case has been fraudulently created without their consent and the Clerk has erred in the discovery package sent to them). Plaintiffs have demonstrated a refusal to comply with this court's orders and procedures and a refusal to appropriately prosecute this case. Accordingly, defendants' motion to dismiss is granted.

CONCLUSION

For the reasons stated above, defendants' motion to dismiss (#8) is granted. This case is dismissed.

DATED this 26th day of June, 2012.


United States District Judge

Scheduling Orders/Judgments/Other Orders

6:12-cv-00730-HO Attila et al v.
Douglas County et al

LawClerk:Baker,

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 6/27/2012 at 3:06 PM PDT and filed on 6/27/2012

Case Name: Attila et al v. Douglas County et al

Case Number: 6:12-cv-00730-HO

Filer:

WARNING: CASE CLOSED on 06/27/2012

Document Number: 20

Docket Text:

Judgment. This action is dismissed. Signed on 6/27/2012 by Deputy Clerk. (jw)

6:12-cv-00730-HO Notice has been electronically mailed to:

Paul E. Meyer pemeyer@co.douglas.or.us

6:12-cv-00730-HO Notice will not be electronically mailed to:

Ida-Lee
[1525] Plat I
Sutherlin, OR 97479

Peter Attila
[1525] Plat I
Sutherland, OR 97479

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:Not Available

Electronic document Stamp:

[STAMP ordStamp_ID=875559790 [Date=6/27/2012] [FileNumber=4042185-0] [35ac429b696ec4976abfa93ac8af00222da32766e68a8eb39f72e4f5766568d801f875772edddcc06081b644113ffdac7f9c92c94238e938bdee7d58c097df023]]

Orders/Record of Orders on Motions

6:12-cv-00730-HO Attila et al v.
Douglas County et al

LawClerk:Baker,

U.S. District Court

District of Oregon

Notice of Electronic Filing

The following transaction was entered on 6/27/2012 at 2:54 PM PDT and filed on 6/27/2012

Case Name: Attila et al v. Douglas County et al

Case Number: 6:12-cv-00730-HO

Filer:

Document Number: 19(No document attached)

Docket Text:

ORDER: Pursuant to Order [18], Motion for Default Judgment [16] is denied as moot.
Ordered by U.S. District Judge Michael R. Hogan. (jw)

6:12-cv-00730-HO Notice has been electronically mailed to:

Paul E. Meyer pemeyer@co.douglas.or.us

6:12-cv-00730-HO Notice will not be electronically mailed to:

Ida-Lee
[1525] Plat I
Sutherlin, OR 97479

Peter Attila
[1525] Plat I
Sutherland, OR 97479

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

:peter attilla: family of [reman]
:ida-lee: family of [reman]
[1525] Plat I , Sutherlin, Oregon
[97479]
phone#: 971-221-9066,

Plaintiffs,

v.

Civil No. 6:12-cv-00730-HO

**Douglas County, Paul E. Meyer, Agent/Counsel,
and Susan Acree, Agent/Assessor,**

Defendants.

JUDGMENT

This action is dismissed.

Dated: June 27, 2012

MARY L. MORAN, Clerk

by s/ J. Wright
J. Wright, Deputy Clerk

17 CFR 201.101 - DEFINITIONS.

§ 201.101

Definitions.

(a) For purposes of these Rules of Practice, unless explicitly stated to the contrary:

(1) *Commission* means the United States Securities and Exchange Commission, or a panel of Commissioners

constituting a quorum of the Commission, or a single Commissioner acting as duty officer pursuant to 17 CFR 200.43 ;

(2) *Counsel* means any attorney representing a party or any other person representing a party pursuant to § 201.102(b) ;

(3) *Disciplinary proceeding* means an action pursuant to § 201.102(e) ;

(4) *Enforcement proceeding* means an action, initiated by an order instituting proceedings, held for the purpose of determining whether or not a person is about to violate, has violated, has caused a violation of, or has aided or abetted a violation of any statute or rule administered by the Commission, or whether to impose a sanction as defined in Section 551(10) of the Administrative Procedure Act, § U.S.C. 551(10) ;

(5) *Hearing officer* means an administrative law judge, a panel of Commissioners constituting less than a quorum of the Commission, an individual Commissioner, or any other person duly authorized to preside at a hearing;

(6) *Interested division* means a division or an office assigned primary responsibility by the Commission to participate in a particular proceeding;

(7) *Order instituting proceedings* means an order issued by the Commission commencing a proceeding or an order issued by the Commission to hold a hearing;

(8) *Party* means the interested division, any person named as a respondent in an order instituting proceedings, any applicant named in the caption of any order, persons entitled to notice in a stop order proceeding as set forth in § 201.200(a)(2) or any person seeking Commission review of a decision;

(9) *Proceeding* means any agency process initiated:

(i) By an order instituting proceedings; or

(ii) By the filing, pursuant to § 201.410, of a petition for review of an initial decision by a hearing officer; or

(iii) By the filing, pursuant to § 201.420, of an application for review of a self-regulatory organization determination; or

(iv) By the filing, pursuant to § 201.430, of a notice of intention to file a petition for review of a determination made pursuant to delegated authority; or

(v) By the filing, pursuant to § 201.440, of an application for review of a determination by the Public Company Accounting Oversight Board; or

(vi) By the filing, pursuant to § 242.601 of this chapter, of an application for review of an action or failure to act in connection with the implementation or operation of any effective transaction reporting plan; or

(vii) By the filing, pursuant to § 242.608 of this chapter, of an application for review of an action taken or failure to act in connection with the implementation or operation of any effective national market system plan; or

(viii) By the filing, pursuant to Section 11A(b)(5) of the Securities Exchange Act of 1934, of an application for review of a determination of a registered securities information processor;

(10) *Secretary* means the Secretary of the Commission;

(11) *Temporary sanction* means a temporary cease-and-desist order or a temporary suspension of the registration of a broker, dealer, municipal securities dealer, government securities broker, government securities dealer, or transfer agent pending final determination whether the registration shall be revoked; and

(12) *Board* means the Public Company Accounting Oversight Board.

(b) [Reserved]

[60 FR 32796, June 23, 1995, as amended at 69 FR 13175, Mar. 19, 2004; 70 FR 37617, June 29, 2005]

Exhibit D2